



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re application of Marshall:

Serial No. 10/087,459

: Art Unit 3682

Filed 1 March 2002

: Examiner Marcus Charles

For: ENCLOSURE MEMBER, AND

MULTI-LINK CONVEYOR CHAIN:

**DECLARATION OF CHRISTOPHER MARSHALL**

I Christopher Marshall, do hereby declare as follows:

(1) I am an employee of Pennine Industrial Equipment Limited where I have been employed since 1988. I make this declaration based on my personal knowledge.

(2) I was employed in the Engineering sector for David Brown Tractors between 1975 and 1988. From 1988 to the present day, I have been employed by Pennine Industrial Equipment Limited (hereinafter "*Pennine*") and my current job title is Technical Sales & Projects Engineer. I have responsibility for promoting a range of Pennine products which involves travelling in the UK and overseas and for visiting customers to resolve technical issues. I look at new projects and seek to develop and improve existing products. Although I am involved with a number of Pennine products, I spend a significant proportion of my normal course of employment dealing with silent chain products belonging to Pennine and its competitors.

(3) I have read and understood the text of US Patent application Serial No 10/087,459 (hereinafter "*the application*"). I am the sole inventor named in the application.

(4) I have read and understood the Declaration filed by Stephen E Winegardener dated 24 March 2003 (hereinafter the "*Winegardener Declaration*"). I am familiar with the companies Rexnord Corporation and Link Belt and Ramsey Corporation as referred to in the Winegardener Declaration (hereinafter "*Rexnord*" and "*Link Belt*" and "*Ramsey Products*"). Since at least 1988 I have encountered various products of Rexnord, Link Belt and Ramsey Corporation in my normal course of employment.

(5) I have reviewed the end link for a conveyor chain and the conveyor chain shown in Exhibits 1 to 5 appended to the Winegardener Declaration and described therein (hereinafter "*the Rexnord products*").

(6) To the best of my knowledge, the Rexnord products were never sold, offered for sale or marketed as a solution to wearing of pin heads within silent conveyor chain. I have never come across any technical sales brochure which includes the Rexnord products or seen any advertising in trade journals which includes the Rexnord products or seen the Rexnord products in use. I would have expected to have encountered the Rexnord products in my normal course of employment.

(7) I have read and I am familiar with the content of the Office Action dated 6 August 2004. In particular, I have studied Item 14 (page 6) of the Office Action and note the Examiner's comment that *"it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the outer plates of Winegardener so that the counterbores are non-tapered in view of Sheldon in order to allow for the riveted head of the pin to have uniform thickness so as to strengthen the chain in the lateral direction"*.

(8) The Rexnord products referred to in the Winegardener Declaration incorporate tapered counterbores. The products claimed in the application incorporate non-tapered counterbores. The non-tapered design of the counterbores in the claimed products was not included to improve the lateral strength of silent conveyor chain. It is in my view inaccurate to state that the non-tapered counterbore would have strengthened the chain in the lateral direction.

(9) In my view there is no relationship between the thickness of the riveted head of the pin and the strength of the chain in the lateral direction. Lateral strength is effected primarily by the number of guide links.

(10) At the date of the invention claimed in the application, it is my view that technical motivation to modify the Rexnord products to change from a tapered to a non-tapered counterbore would have been non-existent. This modification would not have been viewed as increasing the lateral strength of the chain, and therefore would not have been obvious. Further, a tapered counterbore would not have been thought to be a successful solution to preventing damage to the pin head in a silent conveyor chain, because the tapered counterbore would in all probability leave the pin head protruding and susceptible to damage. The tapered counterbores did not function to protect the protruding pin heads, and to the best of my knowledge there was no teaching in the art to suggest that the tapered counterbores might be used or modified for this purpose.

(11) I declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of United States Code and that such wilful false statements may jeopardize the validity of the above-identified patent application or any patent issuing thereon.

Christopher Marshall

Date

*Christopher Marshall*

01-02-05